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10/771,805	02/04/2004	Clay Fisher	SON5180.84A	3337

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EXAMINER	
DAYE, CHELCIE L	

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
03/30/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/771,805	FISHER ET AL.	
	Examiner	Art Unit	
	CHELCIE DAYE	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 17-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 17-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/21/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed January 08, 2010.

2. Claims 1-10 and 17-28 are presented. No claim added and claims 11-16 are cancelled.

3. Claims 1-10 and 17-28 are pending.

4. Applicant's arguments filed May 11, 2009, have been fully considered but they are not persuasive.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 09/21/2009 was filed after the mailing date of the application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-10 and 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin (US Patent Application No. 20060159109) in view of Lissar (US Patent No. 7,225,197).

Regarding Claims 1, 10, 17, 18, and 24-28, Lamkin discloses a method of tracking and synchronizing content across multiple devices, including a plurality of client devices and a server ("*managing content that detects there is a change to content on a local network, determines whether the change is additional content on a first client device, determines whether the additional content can be identified, determines whether there is a predictive distribution scheme when the additional content is identified, distributes the additional content over the local network according the predictive distribution scheme when a predictive distribution scheme applies to the additional content, determines whether a new predictive distribution scheme can be defined when a predictive distribution scheme does not apply to the additional content, and saves the new predictive distribution scheme when a new predictive scheme can be defined" (see [0005])…"detect new content on a first client device of a network; identify the new content; determine whether related content has been received on the network; determining a usage of the related content relative to being added to the network; and schedule a distribution of the new content over the network based on the determined usage of the related content" (see [0006])…"the process detects that new content is available over the network. This determination can be based on polling of devices on the network or receiving a notification from a client device that the client device includes new content. In many implementations of the network 120, one or more client devices are capable of notifying the server 122 of additional content, and other devices have to be polled by the server. A log file, the CDS, or other tracking can be utilized by the server to determine which devices are to be polled and when to poll devices. This tracking can be altered over time based on additions to the system, expected changes to client devices,*

history of detecting additional content at a client device and other such criteria"(see [0072])… "Some embodiments further manage content by providing content synchronization over the network 121 and/or remote network 140. Synchronizing content can provide a consistent view of content over the network when multiple copies of content exist over the network. The synchronization can update content when one copy of content is updated or altered. Similarly, synchronization can delete, add, move or alter content based on changes of status of content on one or more devices of the network" (see [0132])), comprising:

receiving new content within a request submitted by a user ([0069], lines 8-11, Lamkin);

reviewing said new content in response to the request and comparing with existing content for which a record exists and which is a duplicate or related to said new content ([0073] and [0104], Lamkin)[1];

performing the request and creating a new content record corresponding to said new content ([0118-0119], Lamkin);

automatically completing said new content record based on information contained in the new content as well as information about the presence of duplicate or related content which is available on the multiple devices ([0140],[0151] Lamkin); and

updating the records of duplicate or related content with information about the new content associated with said new content record to synchronize all the content records ([0132], Lamkin).

[1] Examiner Notes: A further explanation of comparing the content with related content is explained at paragraph [0091].

Lamkin does not expressly teach the new content not having an existing record nor wherein the new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the new content.

However, Lamkin does teach the identification of related/similar content and comparing that content with new content (see [0091] and [0104]). Lamkin also teaches management of the content by automatically generating the content in order to complete the record of the new content (see [0150-0151]). Since there is a comparing and completing of records that need to be made, there is a need to have new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content. Even further, it would be obvious to one of ordinary skill in the art at the time of the invention that if there is new content, then the new content will not have an existing record because of the fact that it has not been in existence and the new record will need to be created.

While Lamkin teaches automatically pulling in new content in an organized manner (see [0069]) and automatically generating collections (which can be directories or file structures) based upon new content (see [0151]). However, Lamkin is not as detailed with automatically completing the fields within the record. On the other hand, Lissar discloses automatically completing fields within

the record (column 2, lines 57-67 and column 10, lines 14-28, Lissar). Lamkin and Lissar are analogous art because they are from the same field of endeavor of content management. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Lissar's teachings into the Lamkin system. A skilled artisan would have been motivated to combine in order to allow for an increase within the integrity of the data. Thus, allowing for a more efficient and user-friendly system.

Regarding Claim 2, the combination of Lamkin in view of Lissar, disclose a method further comprising:

receiving a copy, delete, or print request from a user corresponding to specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network ([0092], lines 1-6, Lamkin);

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices ([0118] and [0139], Lamkin);

transmitting a confirmation for the request in response to detecting the presence of any duplicate or related content ([0123], lines 12-19, [0133], [0139], Lamkin); and

performing the request in response to receiving the request and instructions from the user in responding to said confirmation ([0123], lines 12-19, [0133], lines 37-39, [0139], Lamkin).

Regarding Claims 3, 4, and 20, the combination of Lamkin in view of Lissar, disclose a method further comprising:

receiving a copy, delete, or print request from a user corresponding to said specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network ([0092], lines 1-6, Lamkin);

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices ([0118] and [0139], Lamkin); and

determining utilization of any duplicate or related content based on a pre-established preference and the type of request which was received ([0157] and [0320], Lamkin).

Regarding Claims 5 and 19, the combination of Lamkin in view of Lissar, disclose the method wherein said new content includes one from the group of

content items consisting of a photograph, music, a document, and a video ([0047], lines 3-6, Lamkin).

Regarding Claims 6 and 23, the combination of Lamkin in view of Lissar, disclose the method wherein each content record includes a field for indicating other content related to content associated with the content record ([0091], Lamkin).

Regarding Claims 7 and 21, the combination of Lamkin in view of Lissar, disclose the method further comprising storing the pre-established preference in a storage device ([0049], Lamkin).

Regarding Claims 8 and 22, the combination of Lamkin in view of Lissar, disclose the method further comprising storing the new content record in a storage device ([0052], Lamkin).

Regarding Claim 9, the combination of Lamkin in view of Lissar, disclose the method wherein the confirmation is sought from the user for authorization for executing the request ([0123], Lamkin).

Response to Arguments

Applicant argues the provisional application 60/531,565 does not provide support for "receiving new content within a request submitted by a user" as recited by the Lamkin application 2006/0159109 at paragraphs [0069].

Examiner respectfully disagrees. To begin, the examiner relies upon the Provisional application 60/531,565 filed December 19, 2003 for the disclosure of the above-argued feature " receiving new content within a request submitted by a user" as taught by the Lamkin published application 2006/0159109 (see [0069]). The Provisional Application teaches "*In accordance with another embodiment of the present invention a search engine is provided that searches for entities and collections at located within different trust levels. In one embodiment, the results of the search are based upon at least one of the trust level the entity is located at and metadata associated with the entity. A user may also base the search results upon a user profile or a specified request*" (see pg.13 of 99, 1st paragraph); wherein the search (i.e. request) within the search engine is clearly performed by a user[2]. The Provisional also teaches "*There may be various types of entities within a collection and the content manager determines which version to playback based on rules and criteria. The rules or criteria can include: a Rating (e.g., G, PG, PG-13, R), a display device format (e.g., 16:9, 320x240 screen size), bit rates for transferring streaming content, and input devices available (e.g., it does not make sense to show interactive content that requires a mouse when only a TV remote control is available to the user). The content manager provides graceful degradation of the entities and the playback of the collection. The content manager uses the collection name service module to request new content for playback. The content manager coordinates all of the rules and search criteria used to find new content*" (see pg.42 of 99, 1st and 2nd paragraphs, "The Content Manager"). The above excerpt discloses the requesting of new content

along with the finding (i.e. detecting) of the new content. Even further, the Provisional Application teaches "*the new content acquisition agent acts as a broker on behalf of a specific user to acquire new content collections and the associated access rights for those collections. This may involve an e-commerce transaction. It uses the Content Search Engine and a Content Filter to locate and identify the content collection desired and negotiates the access rights through the Access Rights Manager. Content filter is not part of the playback engine but instead part of the content manager and the New Content Acquisition Agent*" (see pg.58 of 99, 1st paragraph, "New Content Acquisition Agent (NCAA)"). The above excerpt continues to disclose the above argued feature of "detecting of new content" by utilizing a New Content Acquisition Agent which acquires the new content and its rights. Lastly, pgs 82-84 of 99 give a specific example of describing new content within a request submitted by the user. With reference to the newly added substance of the new content not having an existing record, the examiner believes it would have been obvious to one of ordinary skill in the art to understand that if there is new information being submitted that the new data cannot have an existent record. Thus, fully disclosing the above-argued feature.

Applicant argues, Lamkin provisional does not teach the identification of related/similar content and comparing that content with new content.

Examiner respectfully disagrees. Lamkin provisional teaches "providing services that facilitates the access and use of related content to provide improved content" (see pg. 5 of 99, 3rd paragraph), thus corresponding to the id of related content. Also, Lamkin provisional discloses the comparing of content on pages 8 of 99 and 94 of 99.

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[2] Examiner Notes: More information with respect to the search engine and the user search within the

Applicant argues, Lamkin does not teach the claimed automatically completing fields within said new content record.

Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues Lissar fails to teach automatically completing fields, updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize all the content records, and using information which is available across the multiple devices.

Examiner respectfully disagrees. To begin, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, Lissar was not relied upon for the disclosure of updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize all

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search engine is further detailed at pg.52 of 99 “Content Search Engine”.

the content records, and using information which is available across the multiple devices. However, Lissar does teach reading data of other fields during data entry of fields in a record to automatically provide suggestions for inputting data into other fields of the record (see col.2, lines 57-67), which corresponds to the above-argued feature of automatically completing fields.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
March 27, 2010

/Kavita Padmanabhan/
Primary Examiner, Art Unit 2161